

Guide for on-premises and off-premises retail licensees.

Governor's Closure and Phase I Reopening:

If a retail licensee is unable to operate a going establishment** because of the Governor's mandatory closure and during Phase I reopening, the licensee is not subject to lapse provisions stated in 16-3-310, MCA. However, if a licensee has been closed due to an alteration or other reason, the licensee still must notify ABCD with the nonuse form before the 90-day time period ends.

Nonuse applies to the following license types:

- All On-Premises Licensees
- Off-Premises Beer/Wine Licensees

Start of Phase II Reopening Effective June 1, 2020:

The 90-day requirement will now apply. If a licensee is unable to open within 90 days of the start of Phase II, the licensee must:

- Fill out the nonuse form found on our website, MTRevenue.gov.
- Explain the circumstances beyond the licensee's control.
- Send it to ABCD for review.

*All licensees must comply with all Montana alcoholic beverage laws and rules.

**Going establishment means a business that (a) is open at least 20 hours per week for any four weeks in a 90-day period; (b) maintains an inventory of at least ten cases of alcoholic beverages for each day that the establishment is open; and (c) sells or provides a minimum of \$50, calculated at cost, of alcoholic beverages each week the establishment is open.

16-3-310, MCA and ARM 42.13.107, 42.13.108 and 42.13.112

5.2020 (Please note that information in Department Communications may have been modified, superseded, or made obsolete by changes in federal or state law or the Administrative Rules of Montana. If you need to verify the current validity of any Department Communications, contact us.)